S.B.CIVIL SECOND APPEAL NO.228/2004

Kedar Toshniwal and others.
vs.
Sumer Chand and others.

DATE OF JUDGMENT ::: 7.12.2005

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. Sajjan Singh, for the appellants.
Mr. Sangeet Lodha, for the respondents.

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Learned counsel for the respondents/plaintiffs submits that since the term of the elected board has expired, therefore, in his opinion, the suit has become infructuous and, therefore, the respondents/plaintiffs want to withdraw the suit itself.

Learned counsel for the appellants is disputing this position and submits that the suit has not become infructuous.

Be it as it may be, when the plaintiffs want to withdraw the suit, then there is no reason to keep the appeal pending.

In view of the above, the suit of the plaintiffs is dismissed as withdrawn and consequently, this appeal is

dismissed as having become infructuous.

The interim order passed by this Court dated 6.8.2004 which was continued by subsequent orders stands vacated and the stay petition is also dismissed.

(PRAKASH TATIA), J.

S.Phophaliya